



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19420 of 2023
and Crl.M.P.No.13074 of 2023

C.Raja

... Petitioner

Vs.

1.State rep. by,
The Sub Inspector of Police,
Kolathur Police Station,
Mettur Taluk,
Salem District.

2.Murugesan
Revenue Inspector,
Kolathur Circle,
Mettur Taluk,
Salem District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.2 of 2023 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



ORDER

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This criminal original petition has been filed to quash the FIR in Crime No.2 of 2023 pending investigation before the 1st respondent police.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3.The 2nd respondent who is the Revenue Inspector gave a complaint to the 1st respondent to the effect that the revenue officials conducted a survey in the subject property on 31.12.2022 at about 10.30 a.m., for removal of the encroachment made in the Government poramboke land after following the procedure under the Land Encroachment Act. At that point of time, A1 and his counsel (who is the petitioner herein and arrayed as A2) came to the spot and picked up a quarrel with the 2nd respondent. It was further alleged that they restrained the officials from carrying on with their official duty. Based on this complaint, an FIR came to be registered in Crime No.2 of 2023 for offence under Sections 341 and 353 of IPC. Aggrieved by the same, the petitioner (A2) has approached this Court seeking to quash the FIR.



4.The petitioner who is a practicing Advocate has filed a suit on behalf of A1 in O.S.No.200 of 2022 which is pending on the file of the District Munsif Court, Mettur. Hence, in order to safeguard the interest of his client, the petitioner seem to have come to the spot and questioned the officials. Unfortunately, the same was taken to be causing obstruction from performing the official duty and the petitioner has also been arrayed as an accused in this case.

5.The demeanor of an Advocate will always be different from the demeanor of a layman. Considering the position that he holds and job that he performs, an Advocate in most of the situations reacts boisterously. This is a character which is developed by an Advocate by virtue of the nature of duty that he performs for his clients. The legal profession involves fighting for the rights of the clients and the Advocate tends to react more aggressively even outside the Courts. It may be true that the petitioner had expressed himself more strongly to defend the rights of his client and that by itself should not result in a criminal prosecution against an Advocate. The main intention on the part of the petitioner was not to prevent the Government officials from performing their function and on the other hand, the petitioner was only attempting to safeguard the rights of his client (A1).



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6. In the considered view of this Court, the continuation of the investigation as against the petitioner will result in abuse of process of Court and the same has to be interfered by this Court.

7. In the result, FIR in Crime No.2 of 2023 on the file of the 1st respondent police is hereby, quashed insofar as the petitioner is concerned and accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

21.09.2023

Index : Yes
Internet : Yes
Speaking Order
Neutral Citation : Yes
ssr

To

1 The Sub Inspector of Police,
Kolathur Police Station,
Mettur Taluk,
Salem District.



2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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